

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/612,810	BRADLEY, ANTHONY S.
	Examiner Raymond W. Addie	Art Unit 3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to The Board decision mailed 6/7/07.
2.  The allowed claim(s) is/are 11, 25-30, 35, 45-51.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.



RAYMOND ADDIE  
PRIMARY EXAMINER

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Bagarazzi on 11/27/07.

The application has been amended as follows:

#### **In the Claims:**

Claims 1-6, 8, 13-24, 31-34, 37-43, 45, 52-72, 76, 77 are canceled in light of the Board Decision, mailed 6/7/07.

Claim 11, lines 1-2 have been replaced, in their entirety with the phrase;

--A system for maintaining fill material solids in position to form a barrier or dam, the system comprising:

a first elongated sheet of geotextile material;

a means for seaming the first elongated sheet into a first continuous tubular-shaped container having an inside space;

at least two ballast tubes disposed within said inside space of the container;

fill material solids held inside the ballast tubes;

a first cradle tube positioned adjacent to the first continuous tubular-shaped container,  
the cradle tube being configured to maintain the first tubular-shaped container in a  
stable position to form a barrier or dam; and  
a plurality of filler tubes located within a cradle tube.--.

Claim 46, lines 1-2, have been replaced, in their entirety with;

--An apparatus for forming a barrier, comprising:  
an impermeable elongated fabric container having an interior and an exterior;  
said container being rendered impermeable by a coating applied to the fabric;  
at least two ballast tubes disposed within the interior of the elongated fabric container,  
each of the at least two ballast tubes containing water; and  
wherein each of the at least two ballast tubes is configured to be semi-permeable so  
that the water can pass between each of the at least two ballast tubes and the interior of  
the container and between one of the at least two ballast tubes and the other of the at  
least two ballast tubes.--.

Claim 49 has been replaced in its entirety with -- An apparatus for forming a barrier,  
comprising:

an impermeable elongated fabric container having an interior and an exterior;  
said container being rendered impermeable by an impermeable liner that is disposed

adjacent the interior surface of the container;  
at least two ballast tubes disposed within the interior of the elongated fabric container,  
each of the at least two ballast tubes containing water; and  
wherein each of the at least two ballast tubes is configured to be semi-permeable so  
that the water can pass between each of the at least two ballast tubes and the interior of  
the container and between one of the at least two ballast tubes and the other of the at  
least two ballast tubes.--.

Claim 50 has been replaced in its entirety with -- An apparatus for forming a barrier,  
comprising:  
an impermeable elongated fabric container having an interior and an exterior;  
said container being rendered impermeable by an impermeable liner that is disposed  
around and encloses the at least two ballast tubes in the interior of the container;  
at least two ballast tubes disposed within the interior of the elongated fabric container,  
each of the at least two ballast tubes containing water; and  
wherein each of the at least two ballast tubes is configured to be semi-permeable so  
that the water can pass between each of the at least two ballast tubes and the interior of  
the container and between one of the at least two ballast tubes and the other of the at  
least two ballast tubes.--.

Claim 51 has been replaced in its entirety with -- An apparatus for forming a barrier, comprising:

an impermeable elongated fabric container having an interior and an exterior; solid fill materials disposed within the interior of the container; at least two ballast tubes disposed within the interior of the elongated fabric container, each of the at least two ballast tubes containing water; and wherein each of the at least two ballast tubes is configured to be semi-permeable so that the water can pass between each of the at least two ballast tubes and the interior of the container and between one of the at least two ballast tubes and the other of the at least two ballast tubes.--.

***Allowable Subject Matter***

2. Claims 11, 25-30, 35, 46-51 are allowed; in light of the Board Decision mailed 6/7/07.

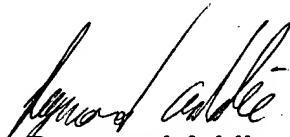
***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 571 272-6986. The examiner can normally be reached on 7am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thomas B. Will can be reached on 571 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Raymond Addie**  
Primary Examiner  
Group 3600

11/27/07